IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.319 OF 2005

Sarala Maruti Angaj ..Petitioner.

V/s.

The Chairman, Shree Dudhsakhar
Shikshan Prasarak Mandal & Ors. ..Respondents.

Mr.Sachin Manale for petitioner.

Mr.S.V.Sadavarte for respondents 1 to 3.

Mr.D.A.Patil, Govt.Pleader for respondent Nos.4 to 6.

CORAM : ABHAY S.OKA, J.

DATED : 11th APRIL, 2007.

P.C. :-

Heard the advocates for the parties. The petitioner has alleged that the contemnors have committed breach of order dated 22nd July, 2005 passed by the Division Bench of this Court. By the said order, the Division Bench directed the respondent Nos.1 to 3 in the Writ Petition to pay arrears of salary to the petitioner. The said respondents were permitted to forward the papers to the Deputy Director of Education for reimbursement. The Division Bench directed the respondent No.4 in the Writ Petition to grant approval to the appointment of the petitioner and to reimburse the amount paid by the Management to the petitioner.

2. My attention has been invited to the affidavit of Shri Vasant Bapuso Paymal, Assistant Director of Education, Kolhapur Region. In the said affidavit, he has set out that approval has been granted to the appointment of the petitioner as a full time lecturer with effect from 14th July. 2003. It is not disputed by the petitioner that he has received the arrears of salary from the Management. Mr.Sadavarte appearing for the Management makes a grievance that reimbursement has not been made by the respondent Nos.4 to 6 in the Writ Petition in favour of the Management. However, it is for the Management to take out appropriate proceedings in that behalf.

3. It is an admitted position that now there is compliance of the order passed by the Division Bench in so far as the petitioner is concerned. Though there is some delay in complying with the said order, it cannot be said that there is any deliberate or wilful breach of the order on the part of the contemnors. In view of this position, notice issued to the contemnor is discharged.

4. Contempt Petition is disposed of.

(ABHAY S. OKA, J.)